

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ROGER M. THIELEMAN, #1153979 §
v. § CIVIL ACTION NO. 6:16cv1300
JONI WHITE, ET AL. §

MEMORANDUM OPINION ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE

Plaintiff Roger Merritt Thieleman, proceeding *pro se*, an inmate of the Texas Department of Criminal Justice brings this civil rights lawsuit under 42 U.S.C. § 1983. The complaint was referred for findings of fact, conclusions of law, and recommendations for the disposition of the lawsuit. Plaintiff filed a motion for placement in protective custody, (Dkt. #39), which is the subject of this opinion.

After a review of his motion, the Magistrate Judge issued a Report recommending that Thieleman's motion for placement in protective custody be denied. (Dkt. #45). A copy of this Report was sent to Thieleman at his address, return receipt indicating that he received the Report in November 2017, but no objections have been received to date. Accordingly, Thieleman is barred from *de novo* review by the District Judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to proposed factual findings and legal conclusions accepted and adopted by the district court. *Douglass v. United Services Automobile Association*, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the motion for placement in protective custody in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.),

cert. denied, 492 U.S. 918, 109 S.Ct. 3243 (1989) (where no objections to a Magistrate Judge's Report are filed, the standard of review is "clearly erroneous, abuse of discretion and contrary to law."). Accordingly it is

ORDERED that the Report of the Magistrate Judge, (Dkt. # 45), is **ADOPTED**. Further, it is

ORDERED that Thieleman's motion for placement in protective custody, (Dkt. #39), is **DENIED**.

So **ORDERED** and **SIGNED** this **6** day of **March, 2018**.

A handwritten signature in black ink, appearing to read "Ron Clark", is positioned above a horizontal line.

Ron Clark, United States District Judge